

Notice of Allowability

Application No.

10/622,059

Examiner

Robert G. Santos

Applicant(s)

TRAUT ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 2/13/06 and on 2/27/06 and the telephonic interview held on 5/01/06.
2. ☒ The allowed claim(s) is/are 1-14, 40-50 and 56, now renumbered as claims 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05012006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ROBERT G. SANTOS
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Antonio Papageorgiou on May 1, 2006.

The application has been amended as follows:

- 1) In claim 14, lines 12 & 15 and in claim 56, line 7: The phrase "respective attachment means" has been changed to the term --plunger-type lock--.
- 2) In claim 48, lines 10 & 11: The phrase --of the one or more side blocks-- has been inserted after the term "movement".
- 3) Claims 51-55 and 57-62 have been canceled.
- 4) In claim 56, line 12: The term --the-- has been inserted before the term "outer".

2. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a body part immobilization apparatus comprising the one or more side blocks and body part contact means having the particular structural configuration as recited in independent claim 1, as well as the use of a plunger-type lock for adjustably attaching each of the

Art Unit: 3673

one or more side blocks to a base as explicitly recited in independent claims 14, 48-50 and 56.

With regards to the prior art, most conventional body part immobilization devices are secured mainly through the use of clamps, straps or bolts; only U.S. Pat. No. 4,794,656 to Henley, Jr. and U.S. Pat. No. 5,265,625 to Bodman are considered to show the use of a body part immobilization apparatus comprising a plunger-type lock. However, the examiner respectfully asserts that one of ordinary skill in the art would not have found it obvious at the time the invention was made to modify the respective devices of Henley, Jr. '656 and Bodman '625 to include the specific structure of the at least one or more side blocks and body part contact means as recited in independent claims 1 and 56; the use of one or more side blocks which are adjustable laterally, longitudinally and rotationally around the plunger-type lock as recited in independent claim 14; a plunger-type lock which adjustably attaches the one or more side blocks to the base in a first stage and a second stage as recited in independent claim 48; a plunger-type lock comprising a flexible finger which engages a rack in an elongated slot as recited in independent claim 49; or a plunger-type lock comprising at least one tooth that engages one or more teeth of the one or more side blocks as recited in independent claim 50. Hence, it is considered that the application is currently in full and proper condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suzanne L. Barrett can be reached on (571) 272-7053. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
May 1, 2006